

COMMISSION ON COMMON OWNERSHIP COMMUNITIES
 Minutes of the Monthly Meeting
Via HYBRID Zoom Audio-Visual and In Person Conference
Wednesday December 1, 2021

The monthly meeting of the Commission on Common Ownership Communities was called to order at 7:00 pm by Commission Chair Mark Fine.

Commissioners present: [14] ANDERSON, BENNETT, GELFOUND, FINE, HERRON, HOLMES, MOORE, MURTHY, MYO KHIN, NERLINGER, SEEBOLD, SMITH, STEINBACH AND WALKER.

Commissioners absent: None (one Vacancy)

Staff present WALTER WILSON, ESQ. ASSOCIATE COUNTY ATTORNEY; Staff: IFE FABAYO, INVESTIGATOR, MARK ANDERS# ESQ., INVESTIGATOR, OCOC, FRANK DEMARAIS, DEPUTY DIRECTOR, DHCA, NICOLETTE FAHS, OFFICE SERVICES COORDINATOR, OCOC. Andrew Friedson, Councilman, Montgomery County Council, Dale Tibbitts, Special Assistant, Office of the County Executive.

Guests: Panel Chairs, Jeffrey Hamberger, Esq., Rene Sandler, Esq, Jacquelyn Roberts, Waterford Place HOA, Michael A Halpert, Frank Luncheon, Aurora, Jo Ellen Bilanin, Jim Cagley, Tanterra HOA, Zathara Ghd,

1. There was a presentation by Dale Tibbitts, Special Assistant, Office of the County Executive on behalf of Marc Elrich, County Executive, and Andrew Friedson, Councilman, on behalf of the Montgomery County Council. Mr. Tibbitts and Mr. Friedson presented Chairman Fine with a proclamation thanking him for his years of service to the County.
2. **Approval of Minutes:** Commissioner Anderson moved to approve the minutes of November monthly meeting. Commissioner Smith seconding. There was no discussion. All voted in favor and the motion carried.
3. **Community Forum: Mr. Halpert** addressed the fact that we were having difficulties with the hybrid zoom and the audience could not hear any of the presentation that was done in person. Mr. Luncheon had a question regarding the calculation for reserves under the new HB 567, the Chair started he would reach out to Mr. Luncheon in the morning about the reserve calculation formula. (Note: The Chair emailed Mr. Luncheon the Reserve Calculation formula with a note that he could reach out with any questions.)
4. **Submission of disputes for Commission consideration: Jurisdiction – Default cases:**
 - a. **#2021-081, Karen McClurg v Maryland Farms CSA, Inc. – Commissioner Gelfound** moved to deny jurisdiction and advise the staff to advise Ms. McClurg to seek her remedy via the proper insurance co. and **Commissioner Smith** seconded the motion. After further discussion **The motion was carried by the Commission**, Commissioners Anderson, Bennett, Herron, Holmes, Murthy, Myo Khin, Smith and Gelfound voted to deny, Commissioners Moore, Nerlinger, Seebold, Steinbach and Walker voted against the motion and Chairman Fine abstained as he attempted to resolve the issue. **8/5/1**

- b. **#2022-034, Halpert v CUO Esprit, A Condominium - Commissioner Gelfound** moved to **deny jurisdiction on the case**, and **Commissioner Bennett** seconded the motion. **The motion was carried by the Commission**, by all in attendance except that Chairman Fine abstained as he attempted to resolve the issue. **13/0/1**

5. **Jurisdiction - Contested cases:**

- a) **#2021-065, Longmead Crossing Community Services Association V Williams—**
Commissioner Smith moved to **Accept jurisdiction on the case** and
Commissioner Murthy seconded the motion. **The motion was carried by the**
Commission with Commissioners Fine recusing. 13/0/1

6. Decisions and orders issued-

- a. **NONE**

7. Decisions and Orders on Appeal (in Circuit Court for Montgomery, MD)

- a. #2021-004, O'Neill v. 8101 Connecticut Avenue Condominium (Order pending)
- b. #2021-042, King Farm Citizens Assembly v. Siguel (Petition for Judicial Review filed on August 24, 2021)

8. **County Attorney's report** NONE

9. **DHCA status report:** The financial report case statistics for **November** was reviewed with those in attendance by Deputy Director Frank Demarais. (Report was also emailed to the Commission earlier in the day)

10. **Chairman's Report:** In the package

- a) The Chair reported that Commissioners Gelfound and Walker have announced they wished to be considered for Chairperson for the upcoming year.
- b) The Chair also reported that Commissioner Smith announced that he wished to be considered for Vice Chair of the Commission for the upcoming year.
- c) There was a discussion of the role of the Chair and Vice Chairs role. The Chair explained the interaction with the County Exec., the Council, Md. General Assembly, PHED Committee, County Depts. And the citizens of Montgomery County.
- d) There was a discussion of the commitment to engage the Commissioners in our Director Training program and the need for additional individuals to assist in the training.

11. **Committee reports:**

- a. **Education Outreach Committee** – None
- b. **Executive Committee** – None

12. Old Business: None

13. New Business: None

14. **Adjournment: Commissioner Gelfound** moved to **adjourn the meeting**, Commissioner Smith seconded the motion. All in favor. Meeting adjourned at 8:26 pm.

THE NEXT MONTHLY MEETING WILL BE ON JANUARY 5, 2021.

Zoom invitations have been sent

DRAFT